

REMARKS

This Response is submitted in response to the Office Action mailed on November 19, 2002.

The Office Action rejects claims 1-20 under 35 U.S.C. §112, second paragraph as being indefinite. In addition, Claims 1, 5, 9, 13 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,367,350 ("*Winfrey*"). Claims 3, 4, 6-8, 10, 14, 15, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of U.S. Patent No. 1,774,215 ("*Weinthrop*"). Claims 2 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view *Weinthrop* and in further view of U.S. Patent No. 5,964,544 ("*Ko*"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of U.S. Patent No. 5,988,685 ("*Mogelonsky*").

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of *Weinthrop* and in further view of *Mogelonsky*. Claims 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of *Weinthrop* and in further view of U.S. Patent No. U.S. Patent No. 6,453,589 ("*Schwartz*"). In response, Claims 1, 9, 13, 14, 17, 18 and 19 have been amended and Claims 4 and 5 have been cancelled. Support for the amendments may be found on page 4, lines 19-25 of the Application, as well as in Figures 1-5, thus no new matter has been entered. Accordingly, Applicant respectfully submits that all of the above-mentioned rejections have been overcome or are improper for reasons set forth below.

At the outset, Claims 1, 9, 14, 18 and 19 have been amended to recite that the body of the dry erase board has a "dry erasable surface." Moreover, Claim 13 has been amended to provide proper antecedent basis for "the sheet." Claim 17 has been amended to positively recite that the body "is capable of receiving indicia." Accordingly, Applicant submits that all objections and rejections under 35 U.S.C. §112 have been overcome and should be withdrawn.

The present invention, as now claimed, is directed to a dry erase board. The dry erase board includes a transparent semi-rigid body having an integrally formed dry-erasable surface. The board also includes at least one bent end, wherein the bent end is capable of removably securing a sheet of paper to the body.

Claims 1, 5, 9, 13 are rejected under 35 U.S.C. §102(b) as being anticipated by *Winfrey*. Applicant submits this rejection is in error.

Winfrey merely relates to a device having plates 12 and 14 on to which a single sheet 16 having a single dry erasable surface is placed on. As is clear from the disclosure of *Winfrey* the dry erase surface 16 is merely a sheet placed on the device and is not integrally formed with the body of the device. As such, *Winfrey* clearly does not disclose or suggest a device with a body including an integrally formed dry erase surface. Therefore, Applicant respectfully submits that the rejection under 35 U.S.C. §102(b) has been overcome and should be withdrawn.

Claims 3, 4, 6-8, 10, 14, 15, 17 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of *Weinthrop*. Applicant submits this rejection is not proper.

Weinthrop does not remedy the deficiencies of *Winfrey*. Nowhere does *Weinthrop* disclose or suggest a dry erase board including a body having an integrally formed dry erase surface. *Weinthrop* merely relates to a folder made from a single blank of paper, a substance which is neither transparent nor dry erasable, thus if combined would render *Winfrey* inoperable. See col. 1, line 20-23 and MPEP 2143.01. Therefore, even if combinable *Weinthrop* clearly does not remedy the deficiencies of *Winfrey*. For example, the art fails to disclose or suggest a dry erase board including a body having an integrally formed dry erase surface. Accordingly, Applicant respectfully submits Claims 3, 6-8, 10, 14, 15, 17 and 18 are patentable over all of the cited art and not properly rejected under 35 U.S.C. §103(a).

Claims 2 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* in view of *Weinthrop* and in further view of *Ko*. Applicant respectfully submits that *Ko* fails to remedy the deficiencies of *Winfrey* and *Weinthrop*. *Ko* merely relates to binders and shipping binders in a flat state. No where does *Ko* mention or suggest a dry erase board having an integrally formed dry erase surface. This limitation is included in Claims 2 and 12. Accordingly, Applicant submits that this rejection under 35 U.S.C. §103(a) has been overcome.

Claims 11 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* and *Mogelonsky* and *Winfrey* in view of *Weinthrop* and in further view of *Mogelonsky*, respectively. Applicant submits that *Mogelonsky* does not remedy the deficiencies of any of these combination of references as it completely fails to disclose or suggest a dry erase board having an integrally formed dry erase surface. In fact, *Mogelonsky* is completely silent as to any dry erasable surface. Accordingly, Applicant respectfully requests that this rejection under 35 U.S.C. §103(a) be withdrawn.

Claims 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Winfrey* as viewed with *Weinthrop*, and in further view of *Schwartz*. As discussed in detail above, *Winfrey* cannot be combined with *Weinthrop*. Moreover, *Schwartz* fails to remedy the deficiencies of either of these references as it is completely silent as to a dry erase board having an integrally formed dry erase surface. Accordingly, Applicant submits that Claims 19 and 20 are allowable and not subject to rejection under 35 U.S.C. §103(a).

Applicant respectfully requests reconsideration of this patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend Claims 1, 9, 13-14, and 17-19 as follows:

1. (Amended) A dry erase board comprising:
a transparent semi-rigid body having an integrally formed dry-erasable erase surface characteristics, the body having at least one bent end, wherein the bent end is capable of removably securing a sheet of paper to the body.

Claims 4 and 5 have been cancelled.

9. (Amended) A method for manufacturing a dry erase board, the method comprising the steps of:
providing a transparent semi-rigid body having an integrally formed dry-erasable erase surface characteristics; and bending a side of the body to create an area for receiving a sheet.

13. (Amended) The method of Claim 9, including the step of providing a sheet for insertion into the area for receiving the sheet and placing indicia on the sheet.

14. (Amended) A dry erase board comprising:
a transparent semi-rigid body having an integrally formed dry-erasable erase surface characteristics, the body further having a pocket for receiving a sheet and a sheet having indicia printed on the sheet.

17. (Amended) The dry erase board of Claim 14, wherein the body ~~may~~ is capable of receive-receiving indicia in correlation to indicia printed on the sheet.

18. (Amended) The dry erase board of Claim 15, wherein the pocket has an integrally formed dry erase-erasable surface characteristics.

19. (Amended) A method of using a dry erase board comprising the steps of:
providing a transparent semi-rigid dry erase board including a front face having an integrally formed dry erase-erasable surface characteristics and an open back surface for removably receiving a sheet of material; and
removably securing the sheet of material to the dry erase board.